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15 IN THE UNITED STATES DISTRICT COURT
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17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 v.
21 JAMES LANE WINSLETT,
22 Defendant.

23 CASE NO. 2:23-CR-00128-DJC
24 STIPULATION REGARDING EXCLUDABLE
25 TIME PERIODS UNDER SPEEDY TRIAL ACT;
26 FINDINGS AND ORDER
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28 DATE: September 7, 2023
TIME: 9:00 a.m.
COURT: Hon. Daniel J. Calabretta

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STIPULATION

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status on September 7, 2023.
32 2. By this stipulation, defendant now moves to continue the status conference until October
33 5, 2023, and to exclude time between September 7, 2023, and October 5, 2023, under Local Code T4.
34 3. The parties agree and stipulate, and request that the Court find the following:
35 a) The government has represented that the discovery associated with this case
36 includes approximately 6,650 pages, including police reports, search warrants, photographs, and
37 additional materials. This discovery has been either produced directly to counsel and/or made
38 available for inspection and copying.
39 b) Counsel for defendant desires additional time review the produced discovery and

1 the physical evidence, consult with his client, and otherwise prepare for trial. Specifically, the
2 physical evidence in this case includes firearms and items that the government alleges to be
3 firearm silencers, which remain in law enforcement custody. The government made the physical
4 evidence available for inspection, and defense counsel is scheduled to review this physical
5 evidence on September 6, 2023. Defense counsel will need time to complete applicable research
6 and consult with his client following his review of the physical evidence.

7 c) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny him/her the reasonable time necessary for effective preparation, taking
9 into account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of September 7, 2023 to October 5,
16 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4] because it results from a continuance granted by the Court at defendant's request on the basis
18 of the Court's finding that the ends of justice served by taking such action outweigh the best
19 interest of the public and the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

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6 Dated: August 29, 2023

7 PHILLIP A. TALBERT
United States Attorney

8 _____
9 /s/ EMILY G. SAUVAGEAU
10 EMILY G. SAUVAGEAU
11 Assistant United States Attorney

12 Dated: August 29, 2023

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14 /s/ TIMOTHY E. WARRINER
15 TIMOTHY E. WARRINER
16 Counsel for Defendant
17 JAMES LANE WINSLETT

18
19 **ORDER**

20 IT IS SO FOUND AND ORDERED this 30th day of August, 2023.

21 Dated: August 30, 2023

22 _____
23 /s/ Daniel J. Calabretta
24 THE HONORABLE DANIEL J. CALABRETTA
25 UNITED STATES DISTRICT JUDGE